



Application granted. The action is stayed pending resolution of the appeal in the underlying action; and this case will be administratively closed without prejudice to either party moving by letter-motion to reopen the case within thirty days of the conclusion of the appeal or other vacatur of the stay. See, e.g., *Bernardino v. Barnes & Noble Booksellers, Inc.*, 763 F. App'x 101, 103 (2d Cir. 2019).

Any pending motions are dismissed as moot and all conferences are cancelled.

The Clerk of Court is respectfully requested to administratively close this case.

BY ECF

The Honorable Philip M. Halpern
United States District Court Judge
United States District Court
Southern District of New York
300 Quarropas Street
Westchester, New York 10601

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
December 11, 2023

Re: Evanston Ins. Co. v. Salomon's Home Improvements, Inc., et al.
Docket No. 7:22-cv-7911-PMH

Dear Judge Halpern:

We represent plaintiff Evanston Insurance Company in the referenced matter. We write on behalf of Evanston and defendant Patricio Najera Altamirano to request that the Court stay this matter pending the resolution of Altamirano's appeal in the underlying action.

In this action, Evanston seeks a declaration concerning its obligation to defend and indemnify non-appearing defendant Salomon's Home Improvements Inc. in a personal injury lawsuit captioned Patricio Najera Altamirano v. Yakov Bruer, Yossi Walter, Salomon Home Improvements, Inc. and Valley Framers LLC, Supreme Court of New York, Rockland County, Index. No. 33818/2020 (the "Underlying Action"). The court in the Underlying Action has granted Salomon's summary judgment dismissing Altamirano's claims, and Altamirano has filed a notice of appeal from that decision. If the appellate court affirms the trial court's ruling in the Underlying Action, this case will be moot.

Accordingly, Evanston and the Altamirano request that the Court stay this action pending resolution of the appeal in the Underlying Action, and order the parties to report to this Court on the status of the appeal every three months.

Respectfully submitted,
HINSHAW & CULBERTSON LLP

s/Matthew C. Ferlazzo

The Honorable Philip M. Halpern, U.S.D.J.

December 8, 2023

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cc: Vincent Chirico, Esq. (via ECF)

Counsel for Defendant

Patricio Najera Altamirano